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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF ALASKA AT JUNEAU

11 MYRNA I. JOHNSON,

12 Plaintiff,

13 vs.

14 FRED MEYER STORES, INC., and
15 JAIME SAN MIGUEL,

16 Defendants

Case No. J-04-008 CV (RRB)

17 **AFFIDAVIT OF COUNSEL IN SUPPORT OF**
18 **REPLY TO OPPOSITION TO SECOND MOTION TO REOPEN DISCOVERY**

19 STATE OF ALASKA

20 FIRST JUDICIAL DISTRICT

21 }
22 } ss.
23 }

24 MARK CHOATE, being duly sworn upon oath, deposes and states:

- 25 1. I am counsel for the plaintiff and make this Affidavit in support of the reply to
26 opposition to second motion to reopen discovery.
27 2. Exhibit "1" is a true and correct copy of the letter described as "Meet & Confer"
28 dated March 8, 2006 and was faxed to opposing counsel.
3. Exhibit "2" is a true and correct copy of the letter described as "Missing
Responses" dated April 4, 2006 and was faxed to opposing counsel.

1 of 4

Johnson, Myrna v Fred Meyer (J-04-008 CV RRB) [23003].

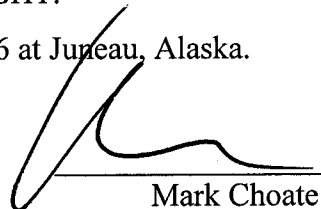
AFFIDAVIT OF COUNSEL IN SUPPORT OF REPLY TO OPPOSITION TO SECOND MOTION TO REOPEN
DISCOVERY
J-04-008 CV (RRB)

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4. Exhibit "3" is a true and correct copy of the letter described as "Failure to Identify 30(b)(6) Witnesses" dated April 4, 2006 and was faxed to opposing counsel.
5. Exhibit "4" is a true and correct copy of the letter described as "Meet & Confer" dated April 6, 2006 and was faxed to opposing counsel.
6. Exhibit "5" is a true and correct copy of the letter described as "Request for Status of [Past Due] Discovery Responses" dated July 6, 2006 and was faxed to opposing counsel.
7. Exhibit "6" is a true and correct copy of the letter described as "(Late) Responses to Third Request for Production" Dated July 14, 2006 and was faxed to opposing counsel.
8. Exhibit "7" consists of excerpts from Mrs. Hill's second deposition on October 25, 2006.

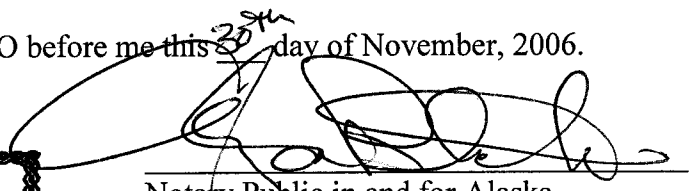
FURTHER, AFFIANT SAYETH NAUGHT.

DATED this 30th day of November, 2006 at Juneau, Alaska.


Mark Choate

SUBSCRIBED AND SWORN TO before me this 30th day of November, 2006.




Notary Public in and for Alaska.
My Commission Expires: 7/4/10

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PROOF OF SERVICE

STATE OF ALASKA, FIRST JUDICIAL DISTRICT AT JUNEAU

I am employed in the City and Borough of Juneau, State of Alaska. I am over the age of 18 and not a party to the within action. My business address is 424 N. Franklin Street, Juneau, AK 99801.

On November 30, 2006, I served the foregoing document described as **AFFIDAVIT OF COUNSEL IN SUPPORT OF REPLY TO OPPOSITION TO SECOND MOTION TO REOPEN DISCOVERY**, on the interested parties in this action by serving the original true copies, addressed as follows:

James Dickens
Miller Nash LLP
Attorney For: Fred Meyers
4400 Two Union Square
601 Union Street
Seattle, WA 98101-2352
Phone: (206) 622-8484
Fax: (206) 622-7485

Peter Gruenstein
Gruenstein & Hickey
Attorney For: Fred Meyers
500 L Street, Suite 401
Anchorage, AK 99501
Phone: (907) 258-4338
Fax: (907) 258-4350

☐ By mail, I deposited such envelope(s) in the mail at Juneau, Alaska, with postage thereon fully prepaid.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Juneau, Alaska, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

☐ By personal service, I delivered such envelope(s) by hand to the ☐ office(s); ☐ the court box of the addressee(s).

☐ By facsimile, I transmitted such documents from Juneau, Alaska, to the offices of the addressee(s).

☐ By email, I transmitted such documents from Juneau, Alaska, to the email address of the addressee(s).

☒ By electronic service through the court of record's electronic service system,

☐ (State) I declare under penalty of perjury under the laws of the State of Alaska that the foregoing is true and correct.

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Johnson, Myrna v Fred Meyer (J-04-008 CV RRB) [23003].

AFFIDAVIT OF COUNSEL IN SUPPORT OF REPLY TO OPPOSITION TO SECOND MOTION TO REOPEN DISCOVERY
J-04-008 CV (RRB)

1 ☒ (Federal) I declare that I am employed in the office of a member of the Bar of
2 this Court, at whose direction the service was made.

3 Executed on November 30, 2006 at Juneau, Alaska.

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5 CHOATE LAW FIRM, LLC
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